

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD OF PUERTO RICO,

As representative of

THE COMMONWEALTH OF PUERTO RICO,
et al.,

Debtors.

PROMESA
Title III

No. 17-BK-3283-LTS

(Jointly Administered)

This filing relates to PREPA

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**RESPONSE AND OPPOSITION TO THE FOUR HUNDRED FORTY-SEVENTH
OMNIBUS OBJECTION (NON-SUBSTANTIVE) REGARDING CLAIM NO. 505
LUIS COSTAS ELENA**

TO THE HONORABLE COURT:

COMES NOW the Claimant in Claim No. 505, Luis Costas Elena, Pro-Se, and before this Honorable Court responds and opposes the Four Hundred Forty-Seventh Omnibus Objection regarding Claim No. 505.

1. Creditor Luis Costas Elena duly filed Claim No. 505 in the amount of \$36,475.00 against the Puerto Rico Electric Power Authority (“PREPA”), on February 19, 2018. Debtor PREPA clearly knows and has the information identifying the nature and source of the obligations of PREPA pursuant to Claim No. 505. Creditor herein Luis Costas Elena filed Civil Case No. K DP2016-1000 in the State Court of First Instance, San Juan Part, and the Court was about to decide the case in favor of Creditor herein when PREPA stopped the State Court proceedings by filing this Bankruptcy Case.

2. The totality of Creditor’s claim should be allowed and the so called 447th Omnibus Objection allegedly (non-substantive) is inapplicable to Creditor’s claim since the

matters concerned are clearly substantive. Early in the morning of August 19, 2016, the birthday of Creditor Luis Costas Elena, PREPA without any authorization invaded and trespassed into the home and garden of Creditor and caused substantial damages to Creditor's fence, fruit trees and vegetation. Creditor's claim is clearly supported by the Expert Report of Eng. Alexei Hernández that includes an itemized report of physical damages caused to Creditor by PREPA in the amount of \$36,840.00. Creditor attaches hereto another copy of that Report of May 12, 2017, with the expert credentials of Eng. Alexei Hernández, PE License No.15987. Claim No. 505 is for the recovery of expenses, fees and attorney fees connected to that property damage and resultant legal proceedings.

3. Claimant of Claim No. 505 opposes and contests any and all disallowance of the entirely valid and proper Claim No. 505. Claimant demands trial by Jury of any action to disallow this claim.

4. The sought disallowance is contrary to law and fact. The damages and debt in Claim No. 505 proceed. Thus, contrary to the allegation of the Four Hundred Forty-Seventh Omnibus Objection Motion the sought disallowance of Claim No. 505 is substantive and illegally attempts to deprive Creditor of his rightful Claim No. 505. Regarding Claim No. 505 the Four Hundred Forty-Seventh objection is an illegal taking without due process of law. Claim No. 505 should proceed and is rightful and proper. Claimant of Claim No. 505 invokes his constitutional rights under the Fifth and Fourteenth Amendments to the United States Constitution and demands Trial by Jury against any and all disallowance.

5. Claimant reserves the right to supplement, amend and amplify this opposition.

WHEREFORE, the Claimant respectfully requests that this Honorable Court approve and allow Claim No. 505; reject any and all sought disallowance of Claim No. 505; and/or

provide Claimant a Trial by Jury. In the alternative Creditor requests that Debtor allow the State Court Proceedings to continue to final Judgment against Debtor Puerto Rico Electric Power Authority with the imposition of the amounts therein demanded, including legal fees, costs and interests.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 25th day of April, 2022.

I hereby CERTIFY that the instant Response and Opposition to Four Hundred Forty-Seven Omnibus Objection Regarding Claim No. 505 – Luis Costas Elena was filed in the Clerk's Office, United States District Court, Room 150 Federal Building, San Juan, Puerto Rico 00918-1767, and notified by mail to the Oversight Board and the Creditors Committee at the following address: Counsel For the Oversight Board, Proskauer Rose LLP, Eleven Times Square, New York, New York 10036-8299, attention of Martin J. Bienenstock, Ehud Barak, Paul V Possinger; and to, Counsel for the Creditor's Committee, Paul Hastings LLP, 200 Park Avenue, New York, New York 10166, attention of Luc A. Despins, James Bliss, James Worthington and G. Alexander Bongartz.



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